

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE-OPELOUSAS DIVISION**

**LEON MANDERSON**

**CIVIL ACTION NO. 08-CV-0881**

**VS.**

**JUDGE MELANÇON**

**CHET MORRISON CONTRACTORS, INC.**

**MAGISTRATE JUDGE METHVIN**

***RULING ON AMOUNT OF RULE 37(d) SANCTIONS***

On February 13, 2009, the court granted in part and denied in part plaintiff Leon Manderson's motion to compel and awarded sanctions pursuant to Fed. R. Civ. P. 37 (a)(4). (Rec. Doc. 33). On February 23, 2009, Manderson's counsel, Mark L. Ross, filed an affidavit seeking an award of \$2,325.00 representing 15.5 hours at an hourly rate of \$150.00. (Rec. Doc. 30). Defendant Chet Morrison Contractors filed an opposition on March 5, 2009, stating he does not object to the hourly rate but argues that 15.5 hours is unreasonable and should be reduced by eight (8) hours. (Rec. Doc. 36).

Rule 37(a)(4) FED. R. CIV. P. provides that when a motion to compel is granted the court shall require the party whose conduct necessitated the motion to pay to the moving party the reasonable expenses incurred in making the motion, including reasonable attorneys' fee. Reasonable attorneys' fees are determined by multiplying the reasonable hours expended by a reasonable hourly rate. Hensley v. Eckerhart, 461 U.S. 424, 434 (1983). The calculation of reasonable hours requires a determination of whether the total number of hours claimed were reasonable and whether specific hours claimed were reasonably expended. League of United Latin American Citizens #4552 (LULAC) v. Rosco Independent Sch. Dist., 119 F. 3d 1228, 1232 (1997). A reasonable hourly billing rate is based on the "prevailing market rates in the relevant community." Blum v. Stenson, 465 U.S. 886, 895 (1984).

After reviewing the affidavit, the briefs of the parties, and the underlying discovery dispute, the undersigned concludes that an award of \$1,500.00 will reasonably compensate plaintiff for the fees and costs incurred. This amount includes 10.00 hours of time expended by Mark L. Ross at an hourly rate of \$150.00.

**IT IS THEREFORE ORDERED** that defendant shall forward payment to plaintiff's counsel, Mark L. Ross, of record the sum of \$1,500.00 within thirty (30) days following receipt of this order.

Signed at Lafayette, Louisiana, on July 3, 2009.

A handwritten signature in black ink, appearing to read 'M. Methvin', is written over a horizontal line.

Mildred E. Methvin  
United States Magistrate Judge  
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